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utility as the subjects of convenient manuals, but to their place and importance in the general system of the law."

Mr. Sims goes into a discussion of the old common law before the Statute 32 Henry VIII. Historically he finds that the old feudal *warrantia chartæ* gave rise to express warranty, from which in turn covenants which run with land were developed. He concludes from this that no covenant should run, unless there is a grant of a corporeal or an incorporeal hereditament between the parties to the covenant at the time it is made. It is thus made impossible for a stranger to bind himself to make repairs on land for the benefit of any owner of the land, a result for which there seems no practical reason. This view, however, was taken by Lord St. Leonards, Sugden, Vend. & P. 14th ed. 585 *et seq.*; and is necessary in order to avoid being carried too far in the other direction, if we adopt, with Mr. Sims, the theory that the burden as well as the benefit should run. Mr. Sims considered this proposition, that the burden will run, both historically correct and expedient, since he regards it as desirable that the proper use of land should be regulated and insured. But, as he admits, the modern English rule is *contra*. *Hayward v. Brunswick Building Society*, 8 Q. B. D. 403. As to what covenants "touch the land," Mr. Sims refers his readers to a perusal of the cases, and concludes that no definition can be given. This seems necessary if covenants as to competing in trade, etc., are to be held to "touch the land," as in *National Bank v. Segur*, 39 N. J. L. 173. It would seem, however, that the cases *contra* represent the better view, *Thomas v. Hayward*, L. R. 4 Ex. 311; and if this is so a covenant might be said to "touch the land," when it is of value to the covenantee because of his occupation of that particular piece of land. The rule in *Spencer's Case*, that a covenant as to a thing not *in esse* will not bind the assigns unless they are named, Mr. Sims justly regards as mediæval and technical. His opinion that it will not be followed in the United States seems, however, unjustifiably optimistic, especially in view of his own citation of cases.

The arrangement of the book is, as it should be, that of a treatise, and not that of an inflated digest. The authorities are, however, exhaustively collected, and a list of cases and a copious index facilitate a ready reference to any topic. As a whole, the book presents a clear statement of the history of the subject, and, after a fair and thorough discussion of most points, works out a logical and consistent theory. Whatever, therefore, may be the correct law as to covenants which run with land, Mr. Sims's book cannot fail to stimulate thought, and thus to do much toward an intelligent and accurate understanding of that branch of the law.

R. B. S.

THE LAW AND POLICY OF ANNEXATION. With special reference to the Philippines, together with observations on the status of Cuba. By Carman F. Randolph. New York: Longmans, Green & Co. 1901. pp. xi, 226.

This book contains an interesting and timely discussion of the important problems which have confronted our country ever since the Spanish war, the most important of which are soon, we trust, to be solved by the Supreme Court. The author gives on the whole an excellent review of the situation in which we are placed with reference to the Philippines, showing by what constitutional authority we derived our title

from Spain, discussing the immediate problems which have arisen, and are every day arising, concerning the government of the islands, and considering finally the question of their ultimate disposition. With regard to the great problem as to whether the Constitution extends to our new possessions, Mr. Randolph maintains the stand taken by him in previous articles, that the Constitution applies to the Philippine Islands and to Porto Rico with the same force that it exerts over the original states, and must continue to apply unless another amendment is added to it. He analyzes carefully and attempts to meet the arguments of those who think that in dealing with these territories we are not bound by constitutional limitations, but his discussion, though persuasive, is not convincing to the legal mind. Considering the importance of the subject, and the fact that the rest of the work is largely based on the assumption that he has proved his proposition, it is to be regretted that the author did not see fit to treat this matter more thoroughly and at greater length. His discussion here states his opinions rather more briefly than in his earlier article on the Constitutional Aspects of Annexation, in 12 *HARVARD LAW REVIEW*, 291.

Assuming, then, that the Constitution does extend to the Philippines, the author goes on to examine the results that would follow from applying it, and attempts to prove that they would be by no means so disastrous as is often imagined. An interesting chapter deals with the methods by which we must govern the islands. Mr. Randolph attacks the usurpation of legislative power by the President, and contends that Congress alone has had such power since the termination of the war with Spain. He expounds the limits within which Congress must act, and the extent to which the old law of the islands should be allowed to continue. Having discussed these more immediate problems, the treatise deals with the legality and feasibility of alienating the Philippines. The author contends that we have the constitutional power to withdraw our sovereignty from the islands, insists that this is a desirable result for reasons commercial, moral, and political, and considers the most feasible plan to be the establishment of an American protectorate. The nature of such a protectorate he discusses, and illustrates in an appendix by an interesting collection of documents relating to various protectorates established by Germany, France, and England. In another appendix a valuable collection of documents relating to the Spanish war appears, and the book also contains a reprint from the *Yale Law Journal* of an article on the status of Cuba.

On the whole, this book is of distinct value, especially from a popular standpoint, giving a clear and not too technical review of the important topics with which it deals. It cannot fail to interest and instruct, even though the reader may not agree with all of its views. L. P. M.

We have also received:—

THE LAW OF TORTS. By Melville M. Bigelow. Seventh edition. Boston: Little, Brown & Co. 1901. pp. xxxi, 438. The previous editions of Professor Bigelow's book have been so widely known and appreciated that it is sufficient for us to notice the changes made in the present volume. While the body of the book remains substan-